



 **COPY**

North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Division of Waste Management
UST Section

Dee Freeman, Secretary
Dexter R. Matthews, Director

December 10, 2012

Town of China Grove
Public Works Department
618 Salisbury Street
China Grove, North Carolina 28023
Attention: David Ketner

Re: Notice of No Further Action
15A NCAC 2L .0407(d)
Risk-based Assessment and Corrective Action for
Petroleum Underground Storage Tanks

Town of China Grove-Town Maintenance Area
Rowan County
Incident Number: 8805
Risk Classification: Low
Ranking: L10R

Dear Mr. Ketner:

The supply well abandonment record received by the UST Section, Mooresville Regional Office on June 29, 2010 and the Notice of Residual Petroleum received on December 10, 2012 have been reviewed. The review indicates that groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202 for this incident. This determination shall apply unless the UST Section later finds that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. Pursuant to Title 15A NCAC 2L .0407(a) you have a continuing obligation to notify the Department of any changes that might affect the risk or land use classifications that have been assigned.

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply.

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, pursuant to NCGS 143B-279.9 and 143B-279.11, you must file the approved Notice of Residual Petroleum (attached) with the Register of Deeds in the county in which the release is located and submit a certified copy to the UST Section within 30 days of receipt of this letter. This No Further Action determination will not become valid until the UST Section receives a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds.

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, public notice in accordance with 15A NCAC 2L .0409(b) also is required. Thus, within 30 days of receipt of this letter, a copy of the letter must be provided by

certified mail, or by posting in a prominent place, if certified mail is impractical, to the local health director, the chief administrative officer of each political jurisdiction in which the contamination occurs, all property owners and occupants within or contiguous to the area containing contamination, and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Within 60 days of receiving this no further action letter, this office must be provided with proof of receipt of the copy of the letter or of refusal by the addressee to accept delivery of the copy of the letter or with a description of the manner in which the letter was posted. This No Further Action determination will not become valid until public notice requirements are completed. Interested parties may examine the incident file by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

This No Further Action determination applies only to the subject incident; for any other incidents at the subject site, the responsible party must continue to address contamination as required.

If you have any questions regarding this notice, please contact me at the address or telephone number listed below.

Sincerely,



Dan Graham
Hydrogeologist
Mooresville Regional Office

Attachments: Notice of Residual Petroleum

cc: Rowan County Health Department

UST Regional Offices

Asheville (ARO) – 2090 US Highway 70, Swannanoa, NC 28778 (828) 296-4500

Fayetteville (FAY) – 225 Green Street, Suite 714, Systel Building, Fayetteville, NC 28301 (910) 433-3300

Mooresville (MOR) – 610 East Center Avenue, Suite 301, Mooresville, NC 28115 (704) 663-1699

Raleigh (RRO) – 1628 Mail Service Center, Raleigh, NC 27699 (919) 791-4200

Washington (WAS) – 943 Washington Square Mall, Washington, NC 27889 (252) 946-6481

Wilmington (WIL) – 127 Cardinal Drive Extension, Wilmington, NC 28405 (910) 796-7215

Winston-Salem (WS) – 585 Waughtown Street, Winston-Salem, NC 27107 (336) 771-5000

Guilford County Environmental Health, 400 West Market Street, Suite 300, Greensboro, NC 27401, (336) 641-3771

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INSTRUCTIONS FOR PREPARING A 'NOTICE OF RESIDUAL PETROLEUM' REFERENCING
LAND USE RESTRICTIONS FOR FILING

The following is a list of instructions to assist in the preparation and filing of *Notice of Residual Petroleum*.

1. The Notice shall be prepared in accordance with the format provided in these instructions and shall include reference to the appropriate land use restrictions **(REWORDING OF THE NOTICE IS NOT RECOMMENDED AND WILL SUBSTANTIALLY DELAY APPROVAL.)**
2. The Notice shall include a description that would be sufficient as a description in an instrument of conveyance of the (i) real property on which the source of contamination is located and (ii) any real property on which contamination is located at the time the remedial action plan is approved and that was owned or controlled by any owner or operator of the underground storage tank or other responsible party at the time the discharge or release of petroleum is discovered or reported or at any time thereafter.
3. The Notice shall also identify the location (legal description) of any residual petroleum on other real property on which contamination is known to exist at the time the Notice is prepared and that is a result of the release.
4. The Notice shall reference any restrictions on the current or future use of the real property that are imposed by the Secretary to protect public health, the environment, or users of the property
5. **(IF REQUIRED BY DEPARTMENT.)** If the contamination is located on more than one parcel or tract of land, the Department may require that the owner, operator, or other person responsible for the discharge or release prepare a composite map or plat that shows all parcels or tracts. If the contamination is located on one parcel or tract of land, the owner, operator, or other person responsible for the discharge or release may prepare a map or plat that shows the parcel but is not required to do so. Any map or plat shall be prepared and certified by a professional land surveyor, shall meet the requirements of G.S. 430 and any requirements of the county Register of Deeds, and shall be submitted to the Department for approval. When the Department has approved a map or plat, it shall be recorded in the office of the register of deeds and shall be incorporated into the Notice by reference. **(ALL CONTENTS OF THE PLAT MUST BE DRAWN IN INDELIBLE INK.)** The plat shall include:
 - a. Property lines, north arrow, scale, bearings and distances as appearing on the deed;
 - b. With respect to permanently surveyed benchmarks, location and dimensions of areas of the property where contamination is known to exist in
 - ☐ groundwater at a concentration exceeding the standard or interim standard established in 15A NCAC 2L.0202 and/or
 - ☐ soil at a concentration exceeding the residential maximum soil contaminant concentration established in 15A NCAC 2L .0411.
 - c. The printed name(s) and title(s) and properly notarized signature(s) of individual(s) with authority to legally bind the responsible party(ies) (i.e., responsible party(ies), an individual with power of attorney for the responsible party(ies), officer of a corporation, etc.) **(PRINTED TEXT, SIGNATURES, AND NOTARY SEALS, AS WITH ALL MARKINGS ON THE PLAT, MUST BE MADE IN INDELIBLE INK);**
 - d. The following language: "The areas of contamination depicted upon the map are approximations

e. The following language, for use by the Department, positioned in the upper left corner of the plat:

"Approved for the purposes of N.C.G.S. 143B-279.9 and 143B-279.11

(signature of Regional Supervisor)

_____, Regional Supervisor
(printed name of Regional Supervisor)

(name of Region)

Regional Office

UST Section

Division of Waste Management

Department of Environment and Natural Resources

NORTH CAROLINA

_____ COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: _____
(printed full name of Regional Supervisor)

Date: _____

(Official Seal)

(signature of Notary Public)

(printed or typed name of Notary Public)

Notary Public

My commission expires: _____

- Revised February 1, 2010

NOTICE OF RESIDUAL PETROLEUM

Town of China Grove Public Works, Rowan County, North Carolina
(Site name)

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the _____ Register of Deeds' office
(name of county)

Book _____, Page _____.

Any map or plat required by DENR has been/shall be recorded at the _____ Register of Deeds' office Book _____, Page _____, and has been/shall be incorporated into the Notice by this reference.
(name of county)

Source Property

Town of China Grove of China Grove, North Carolina is the owner in fee
(owner's name) (city & state of homeowner)
simple of all or a portion of the Site, which is located in the County of Rowan, State of North Carolina, and is known and legally described as:

(Insert Real Property Description Here for Source Property)

Additional Affected Property Also Subject to Restrictions

_____ of _____ is the owner in fee simple of a portion of
(owner's Name) (city & state of owner)
the Site, which is located in the County of _____, State of North Carolina. Petroleum
contamination is located on this property at the time this Notice is approved. This property was also owned
or controlled by the underground storage tank owner or operator or another party responsible for the
petroleum discharge or release at the time the discharge or release was discovered or reported, or at any
time thereafter. This property is known and legally described as:

*(Insert Real Property Description Here for Additional Properties Owned or Controlled by Any Owner or
Operator of the Underground Storage Tank or Other Responsible Party, if Applicable)*

For protection of public health and the environment, the following land use restrictions required by
N.C.G.S. Section 143B-279.9(b) shall apply to all of the above described real property. These restrictions
shall continue in effect as long as residual petroleum remains on the site in excess of unrestricted use
standards and cannot be amended or cancelled unless and until the _____ County Register of Deed
receives and records the written concurrence of the Secretary (or his/her delegate) of DENR (or its
successor in function).

Additional Affected Property Not Subject to Restrictions

Additionally residual petroleum is also located on the following property. The following property
is not subject to land use restrictions pursuant to N.C.G.S. Section 143B-279.9(b). The following
property is known and legally described as:

(Insert Legal Description of Other Real Property Affected by Residual Petroleum Not Owned or Controlled by Any Owner or Operator of the Underground Storage Tank or Other Responsible Party, if Applicable)

PERPETUAL LAND USE RESTRICTIONS

[Restrictions apply to activities on, over, or under the land. Choose one or both of the following as appropriate.]

Soil: *The Site shall be used for industrial/commercial use only. Industrial/commercial use means a use where exposure to soil contamination is limited in time and does not involve exposure to children or other sensitive populations such as the elderly or sick. The real property shall not be developed or utilized for residential purposes including but not limited to: primary or secondary residences (permanent or temporary), schools, daycare centers, nursing homes, playgrounds, parks, recreation areas and/or picnic areas.*

Groundwater: *Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.*

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, Town of Chipa Grove has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 20th day of Nov, 2012

Town of Chipa Grove
(name of responsible party if agent is signing)
By: [Signature]
(signature of responsible party, attorney or other agent if there is one)
Public Works Director
(Title of agent for responsible party if there is one)

Signatory's name typed or printed: David W. Kettner

(Note to be deleted on final document: Preparer of document must assure that the correct acknowledgement is used and complies with changes effective October 1, 2006.)

Choice One: Instrument signed by one person

NORTH CAROLINA

Rowan COUNTY

(Name of county in which acknowledgment was taken)

I certify that the following person personally appeared before me this day, acknowledging to me that here she signed the foregoing document: David Ketner.

Date: 11-20-12

(Official Seal)

Amanda A. Eller
(signature of Notary Public)

Amanda A. Eller
(printed or typed name of Notary Public)

Notary Public

My commission expires: September 27, 2014

Choice Two: Acknowledge by attorney in fact

NORTH CAROLINA

_____ COUNTY

(Name of county in which acknowledgment was taken)

I, _____, a Notary Public for said County and State, do hereby certify that _____, attorney in fact for _____, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said _____, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of _____ in the County of _____, State of _____, on the _____ day of _____, 200__ and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that the said _____ acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said _____.

WITNESS my hand and official seal, this the _____ day of _____, 200__.

(Official Seal)

(signature of Notary Public)

(printed or typed name of Notary Public)

Notary Public

My commission expires: _____

Choice Three: Conveying security interest in personal property of a corporation

NORTH CAROLINA

COUNTY

(Name of county in which acknowledgment was taken)

I, _____, a Notary Public for said County and State, do hereby certify that
_____ personally came before me this day and acknowledged that he is
_____ of _____ and acknowledged, on behalf of
_____, the grantor the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the _____ day of _____, 200__.

(Official Seal)

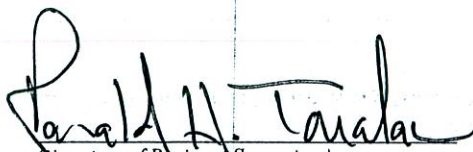
(signature of Notary Public)

(printed or typed name of Notary Public)

Notary Public

My commission expires: _____

Approved for the purposes of N.C.G.S. 143B-279.11



(Signature of Regional Supervisor)
Ronald H. Taraban, Ph.D.
Regional Supervisor

Mooresville Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

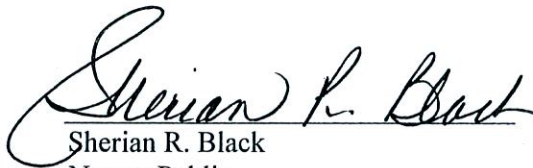
NORTH CAROLINA
Tredell COUNTY
(Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Ronald H. Taraban, Ph.D. (full printed name of Regional Supervisor)

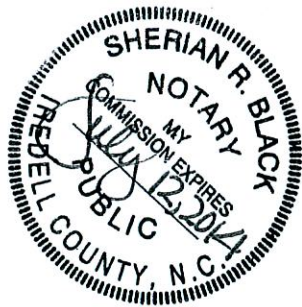
Date:

December 10, 2012



Sherian R. Black
Notary Public
Notary Public Number 20041820022

(Official Seal)



My Commission Expires:

July 12, 2014

